

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ZEV AND LINDA WACHTEL, *et al.*,

Plaintiffs

V.

GUARDIAN LIFE INS. CO., *et al.*,

Defendants.

Civ. Docket No. 01-4183

Hon. Faith S. Hochberg, U.S.D.J.

RENEE MCCOY, individually and on behalf of all others similarly situated,

Plaintiffs

V.

HEALTH NET, INC., HEALTH NET  
OF THE NORTHEAST, INC., and  
HEALTH NET OF NEW JERSEY, INC.

Defendants.

Civ. Docket No. 03-1801

Hon. Faith S. Hochberg, U.S.D.J.

## ORDER

Date: May 11, 2006

This matter having come before the Court upon Defendants’ Objections to the Special Master’s Report and Recommendation concerning documents on Defendants’ privilege logs and upon Defendant Health Net, Inc.’s Motion for Summary Judgement claiming that Health Net, Inc. is not an ERISA fiduciary; and

for the reasons set forth in the Opinion dated May 11, 2006, and for good cause shown;

and

in light of the extraordinary delays in this case, which are due in large part to discovery

violations found by this Court in its May 5, 2006 Opinion, and in light of the sanctions the Magistrate Judge has had to order against Defendants in this case for violating her Orders;

**IT IS** on this 11th day of May, 2006,

**ORDERED** that the Special Master's Report and Recommendation is adopted by this Court; and it is further

**ORDERED** that Defendants shall produce to Plaintiffs all documents on Defendants' privilege logs numbered 1-11 which the Special Master has determined shall be produced; and it is further

**ORDERED** that Defendant Health Net, Inc.'s Motion for Summary Judgment that it is not an ERISA fiduciary is **DENIED**; and it is further

**ORDERED** that any appeal of this Court's decision shall be taken on an expedited basis to protect the interests of all parties in this litigation and to ensure that the Plaintiffs have the documents to which they are entitled prior to the start of the trial.

/s/ Faith S. Hochberg  
Hon. Faith S. Hochberg, U.S.D.J.